



January 28, 2011

To: Executive Board

Subject: **Proposed 2011 Federal Legislative Program**

Recommendation

Adopt the proposed 2011 Federal Legislative Program as outlined in the Attachment.

Background

The 2011 Federal Legislative Program will help guide staff recommendations and actions on federal proposals during the upcoming year. Foothill Transit's proposed federal legislative program is provided in **Attachment A**. This program continues our efforts to strengthen our relationships with our representatives in Washington, D.C. as well as our relationships with their staff members and the staff of the various committees that could have an impact on Foothill Transit. Our goals are to build support for Foothill Transit and its programs and to secure funding for our capital program.

Below is a brief history of our efforts since 2003:

In 2003, the Foothill Transit Executive Board approved a TEA-21 Six-Year Reauthorization request for \$39 million and an FY 2004 Federal Appropriations request for \$6.5 million for our Transit Oriented Neighborhood Program (TONP). Foothill Transit received a FY 2004 Appropriations earmark of \$2.5 million.

In 2004, Foothill Transit again requested the \$6.5 million that was part of our TEA-21 Six-Year Reauthorization request of \$39 million and included the \$4 million from the FY 2004 request we did not receive. Foothill Transit received a FY2005 Appropriations earmark of \$200,000.

In 2005, Foothill Transit requested \$10 million, of which \$6.5 million was part of our TEA-21 Six-Year Reauthorization request of \$39 million and \$3.5 million not included in the FY2005 and FY2006 earmarks that were requested. Foothill Transit received a FY2006 Appropriations earmark of \$3.3 million and a SAFETEA-LU earmark of \$7.9 million for the six-year reauthorization period.

In 2006, Foothill Transit requested \$10 million. Unfortunately, the 109th Congress failed to complete work on the appropriations bill and the new 110th Congress decided not to include earmarks in their budget and passed the responsibility for distribution to the Federal Transit Administration (FTA). We submitted an application to the FTA for funding, but unfortunately received nothing.

In 2007, Foothill Transit requested \$10 million and received a FY2008 earmark of \$500,000. This amount is in addition to the approximately \$2.1 million received in SAFETEA-LU funding.



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In 2008, Foothill Transit shifted its federal request proposal to the funding of compressed natural gas (CNG) replacement buses. We requested \$5 and received a FY2009 earmark of \$1.18 million. This amount is in addition to the approximately \$2.1 million in SAFETEA-LU funding.

In 2009, a decision was made to not pursue a FY2010 5309 discretionary funding appropriation because we had been awarded over \$20 million in American Recovery & Reinvestment Act (ARRA) funds that have been targeted for a number of important capital projects over the coming years. Our congressional delegation staff expressed appreciation for our willingness to pass on a funding request in order for other agency's who may not have received ARRA funding to receive this annual appropriations funding as well as being good stewards of federal taxpayer's dollars.

In 2010, Foothill Transit requested \$5 million in FY2011 5309 discretionary funding for replacement buses that would be used to assist us in converting the remainder of our fleet to CNG as well as other alternative fuels including electric battery power. Unfortunately, the 111th Congress did not pass the FY2011 Transportation, Housing and Urban Development (HUD) Bill and instead passed a Continuing Resolution (CR) to fund all federal government programs through March 4, 2011. With the new Republican majority in the House of Representatives, we expect the final version of the FY2011 Transportation and HUD Bill by the 112th Congress will not include federal discretionary earmarks.

This year, it is recommended that we not pursue a FY2012 5309 discretionary funding appropriation due to our current solid capital budget position which is a result of prior appropriations and authorizations funding awards, approximately \$20 million in ARRA funding and over \$10 million awarded to us last year under the Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER) Grant Program for our Ecoliner all electric bus program.

Our efforts will continue to be supported by Jan Powell of the firm Baker, Donelson, Bearman and Caldwell. Jan acts as our advocate in Washington, D.C. when Board members or staff cannot be there to directly represent Foothill Transit. In addition, she directly facilitates our funding requests.

Sincerely,

David Reyno
Director of Government Relations

Doran J. Barnes
Executive Director

Attachment

2011 Federal Legislative Program

Goal #1:

Ensure that federal policy decisions are beneficial to Foothill Transit's operations or funding.

Proposed Action Items:

1. **Federal Advocacy:** Meet with Foothill Transit's House and Senate representatives and/or their staff throughout the year to advocate for ongoing federal funding for our nation's transportation projects, key transportation related legislation and thank them for their hard work for Foothill Transit in past appropriations bills and authorization bills.

Advocate for passage of a new six-year surface transportation authorization bill, continuation of federal section 5309 discretionary spending earmarks for transportation projects, Federal Transit Administration (FTA) changes to charter bus regulations allowing for Foothill Transit to continue providing Rose Bowl Special Service for UCLA football games, long term extension of the alternate fuels excise tax credit, Southern California Regional Transit Training Consortium (SCRTTC) on its FY2012 legislative efforts to obtain federal funds to streamline bus maintenance training for alternative fuel buses and passage of legislation that would allow public transit agencies to use a portion of their federal transit funding for day-to-day operating expenses.

2. **American Public Transportation Association (APTA):** Maintain active participation of staff in APTA activities, including Strategic Planning, Human Resources, Legislative and Marketing committees. Work to make sure APTA's positions reflect those of Foothill Transit.
3. **Support Legislation:** In general, Foothill Transit will support federal legislation or rules that:
 - Enhance Foothill Transit's ability to deliver effective and efficient transportation services.
 - Increase transit funding.
 - Encourage transit-oriented development throughout the United States.
4. **Oppose Legislation:** In general, Foothill Transit will oppose federal legislation or rules that:
 - Inhibit Foothill Transit's ability to deliver effective and efficient transportation services.
 - Divert current funding or ignore the need for increased transit funding.

Goal #2:

Establish a strong presence with Foothill Transit's federal legislative delegation and their staff.

Proposed Action Items:

1. The Director of Government Relations and Executive Director will meet with federal representatives and/or key staff on a regular basis to improve relations and discuss issues of concern to Foothill Transit both locally and in Washington D.C. Staff will continue to extend invitations to elected officials to familiarize them with Foothill Transit capital projects and tour our facilities.
2. Foothill Transit representatives will attend the APTA Annual Legislative Conference and participate in APTA legislative committee and subcommittee meetings to ensure Foothill Transit's interests are represented at the federal level.